

REMARKS

Claims 5-24 are active. Independent Claims 5 and 18 have been amended to refer to an oligonucleotide or modified oligonucleotide comprising the base sequence of SEQ ID NO: 1. The term “base sequence” is intended to include both DNA and RNA, where the base T in DNA corresponds to the base U in RNA. Modified oligonucleotides, such as S-oligos or those described by Claim 15, are disclosed on page 4, last line-page 5, lines 1-20, and on page 6, lines 11-15, of the specification.

Support for oligonucleotides comprising SEQ ID NO: 1 is found on page 12, line 5, of the disclosure. Claims 6 and 7 as amended find support on page 11 of the specification, and Claims 8 and 9, respectively, on pages 12 and 9. Claims 10-18 have been amended for consistency with revised Claim 5. Claim 17 finds specific support on page 5, lines 10-11 of the specification. Other minor editorial revisions have been made for internal consistency of the claim set and to improve its clarity. Accordingly, the Applicants do not believe that any new matter has been added.

The Applicants thank Examiner Falk for the courteous and helpful discussion of January 16, 2004. Amendments that would likely place the application in condition for allowance were discussed and are presented above. Favorable consideration of the amendment is respectfully requested.

Rejection—35 U.S.C. 112, first paragraph “New Matter”

Claims 14 and 16 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description. The rejection of Claim 14 is moot in view of the amendment of the claims as suggested by the Examiner. The claims are now directed to oligonucleotides or modified oligonucleotides comprising the base sequence of SEQ ID NO: 1. Support for one or several (multiple) units of the oligonucleotide base

sequence, as required by Claims 16 and 17, is found on page 5, lines 10-11, of the specification. Accordingly, the Applicants submit that this rejection may now be withdrawn.

Rejection—35 U.S.C. 112, first paragraph “Description”

Claims 5-16 and 18-24 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate written description. This rejection is moot in view of the amendment of the claims as discussed in the interview. The claims are now directed to oligonucleotides or modified oligonucleotides comprising the base sequence of SEQ ID NO: 1.

Rejection—35 U.S.C. 112, first paragraph, “Enablement”

Claims 5-24 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. This rejection is moot in view of the amendment of the claims as discussed in the interview. The claims are now directed to oligonucleotides or modified oligonucleotides comprising the base sequence of SEQ ID NO: 1.

Rejection—35 U.S.C. 112, second paragraph

Claims 5-24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. These rejections are moot in view of the amendment of the claims.

Rejection—35 U.S.C. 103(a)

Claims 5-16 and 18-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Baltimore et al., U.S. Patent No. 6,410,516. This rejection is moot

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in view of the amendment of the claims. Baltimore does not disclose or suggest an oligonucleotide sequence comprising the base sequence of SEQ ID NO: 1.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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